

TOWN OF HERNDON, VIRGINIA

ORDINANCE

JUNE 10, 2014

Ordinance- Moving fowl regulations to the Zoning Ordinance from the Herndon Town Code and amending the regulations on keeping of fowl as an accessory use in the Zoning Ordinance; ZOTA #13-15.

In adopting this ordinance, the Town Council has considered the factors set out in §15.2-2284, Code of Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. Section 6-1, Animal control code adopted, Herndon Town Code (2000), as amended, is amended and re-ordained prospectively on and after January 14, 2014 and shall remain in force for violations occurring before January 14, 2014, as follows:

Sec. 6-1. Animal control code adopted.

The provisions of chapter 41.1, Animal Control and Care, of the Fairfax County Code are incorporated by reference, with the exception of the references to the zoning chapter. All such references to the zoning chapter shall mean the zoning ordinances of the town. All such animal control code violations shall cite the applicable section of the Fairfax County Code.

2. Section 6-3, Keeping of fowl, Herndon Town Code (2000), as amended, is repealed prospectively on and after January 14, 2014 and shall remain in force for violations occurring before January 14, 2014, as follows:
3. Subsection 78-402.7(l), Standards for specific accessory uses and structures, is amended and re-ordained as follows:

Sec. 78-402.7. Standards for specific accessory uses and structures.

(l) *Keeping of livestock.*

- (1) Except as provided in this subsection the keeping, harboring, or maintaining fowl or livestock of any weight or any age is prohibited.

- (4) In residential districts, on lots of at least 10,000 square feet or more in size, improved with single-family detached dwelling, up to four female fowl, commonly known as a domesticated chicken, may be kept as pets, based on the following standards:
- a. No fowl shall run at large outside of a fully fenced rear yard as described below in §78-402.7(l)(4)c.
 - b. An accessory structure to include an enclosed coop and run used for confining, accommodating, and sheltering fowl shall be provided and be subject to the following standards:
 1. Shall be located no closer than fifteen feet from any lot line and no closer than ten feet from the principal dwelling for any single family detached dwelling.
 2. Shall not be located within any drainage easement.
 3. Shall direct any drainage from the structure away from any property line and into an on-site filter system.
 4. Shall provide ventilation and protection from wind and other weather elements. If heated, any electric connection shall be to an approved GFI exterior electrical outlet.
 5. Shall be enclosed as to the run only with (i) heavy ½ inch by ½ inch hardware wire fencing on all sides and located 12 inches below existing grade, or (ii) a 12 inch apron fence, in either case, 18 inches out from the perimeter to protect fowl from predators.
 6. Shall have a fully enclosed roof.
 7. Shall not exceed 6 feet in height, inclusive of piers.
 8. Shall meet all other requirements as stated in 78-402.4 of this chapter. If a conflict exists the more restrictive shall apply.
 - c. Fowl may only be kept in the rear yard, which shall be fenced with a fully enclosed, approved board abutting board fence to contain the fowl. The fence for the enclosed area must be no less than six feet in height above grade. No structures or objects with a height greater than three feet may be placed closer than five feet from the interior of the fence.
 - d. The sale or donation of any food, fiber, or other by-products from a fowl is not permitted on site.

- e. Any associated waste from such fowl shall be properly handled and disposed of so as to not create odor, attract vermin, or create a nuisance to residents or occupants of surrounding properties. Any compost pile for fowl waste shall not be located within any required yard or setback.
 - f. A zoning inspection permit, issued by the Zoning Administrator, shall be required for the keeping of fowl. Such permit shall be valid for a period not to exceed 12 months and may be renewable, if it is renewed. If the property is found to be in violation or in the future is found to be in violation of the standards of this subsection (l) such permit shall not be issued, or if issued, may be revoked after notice to the holder of the permit and hearing before the Zoning Administrator, among other possible avenues for a hearing. If the permit is revoked, the fowl shall be removed from the property within 30 days following revocation. Nothing in this subsection shall eliminate or affect the requirement for a separate zoning inspection permit as to any home-based business conducted on the property.
 - g. All applications for the keeping of fowl shall include the following items:
 - 1. A scaled boundary survey of the property based on the record data and containing the seal of a licensed preparer.
 - 2. Size and location of existing of existing and proposed structures with dimensions.
 - 3. Distances from all structures to all lot lines and other adjacent structures.
 - 4. Height and number of stories of existing and proposed structures.
 - 5. Existing and proposed easements.
 - 6. Existing and proposed impervious surfaces with dimensions and lot coverage calculations.
 - 7. Location and detail of any on-site filter system.
 - 8. Location and detail of any screening.
4. Section 78-701. Definitions, Zoning Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 78-701. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section.

[insert in alphabetical order]

Fowl. Any domesticated gallinaceous bird, including chickens or roosters, or both. Nothing in this definition shall allow the keeping of a rooster in a residential zoning district.

Kept as a pet. Maintained for private, non-commercial, and personal reasons, despite the possible occasional, minimal, and incidental sale off-site of by-products.

To run at large. To roam, run, or self-hunt off the property of the owner or custodian of an animal and not under such owner's or custodian's immediate control.

5. Section 78-202.9, Zoning inspection permit, Zoning Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 78-202.9. Zoning inspection permit.

(a) *Applicability.* A zoning inspection permit (ZIP) is required prior to occupancy or operation of the following developments and uses:

- (4) Keeping of fowl, in accordance with the standards of Section 78-402.7(1)(4).

6. This ordinance shall be effective on and after the date of its adoption and shall not afford non-conforming use status to any use that exists on the date of its adoption and inconsistent with the law of this Town on that date. Such uses are declared and characterized here as violations of the Zoning Ordinance (2007), Herndon Town Code (2000), as amended. Such violations may be remedied upon compliance with the procedures and standards of this Ordinance #14-O-21, adopted June 10, 2014.

This is certified to be a true and accurate copy of Ordinance 14-O-21 adopted at a legally convened meeting of the Town Council of the Town of Herndon on June 10, 2014.


Margie S. Tacci, Deputy Town Clerk II